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**SEQ CATCHMENTS LTD.**

Submission on: *Queensland Planning*

*Bill 2015*

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## Introduction

This submission outlines SEQ Catchments' position on the Queensland Planning Bill 2015 (the Bill) particularly as it relates to South East Queensland's natural assets and the South East Queensland Natural Resource Management Plan. SEQ Catchments is recognised as the Regional Natural Resource Management Body for South East Queensland by both the Queensland and Australian Governments.

We are a community-based, not-for-profit organisation helping to build a prosperous and sustainable community that cares for and values the natural assets of South East Queensland. The importance of these assets to a region's economy and social stability is well documented and increasingly understood<sup>1</sup>.

We applaud the Government's focus on sustainable economic prosperity. The main drivers of Queensland's economy now and into the future is food and fibre production, tourism and resource extraction. While there is a desire to move to other sectors for future economic output, experience over the past 20 years along with projections into the next 20 years continue to point toward these three sectors continuing to be the mainstay of our economy.

While population growth and the resultant construction and infrastructure sectors are important to our economy, these sectors must either rely on borrowed money, external investment, or internal consumer spending; all of which require the economy to continue to receive export income from the three main sectors to underpin the growth and meet the interest bills and investment and spending needs.

Given the economic realities and the Government's intention to fit 5.5 million people into SEQ within the planning horizon, SEQ Catchments believes the planning system is absolutely critical to the success of Queensland. If designed and used well, the planning systems can accommodate its desired growth while ensuring food and fibre production, tourism in all its forms, and resource extraction are optimised.

Crucially, all these economic pursuits are completely dependent on the condition, extent and trends associated with our natural assets. Sadly, in South East Queensland, we continue to measure a declining trend on the nature and extent of our natural assets which continues to be facilitated by the current approach to development through the planning system; although it is heartening that this trend is slowing.

SEQ catchments strongly believes we now know enough scientifically, spatially, environmentally and socially to set up a region such as SEQ to deliver the anticipated growth while ensuring the condition, extent and trend of our natural assets and their resultant economic services (let alone the other ecosystem services provided to health, wellbeing and environment) is managed. We

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<sup>1</sup> Marsden Jacob and Associates (April 2010), Managing what matters: The cost of environmental decline in South East Queensland, Brisbane

suggest the most current expression of this knowledge lies in the recently updated SEQ NRM Plan (July 2015) and associated SEQ Atlas of Natural Assets.

### **Policy intent and overall comments**

Overall, the Queensland Planning Bill 2015 seems to focus on development approval. The planning system itself receives very little attention in the Bill. SEQ Catchments is of the view that the planning system does not belong to a particular sector or to any particular level of government. The Bill should embody the community's aspirations and should be designed to facilitate the community's vision and desires for their lands and their State. The objects may imply this aim; however, the rest of the Act does little to facilitate it. The assumption seems to be that the local planning instruments will deal with these matters without any need to look across local borders or administrative boundaries.

The importance of environmental and social outcomes which need to be sought through the Bill cannot be understated. Its implementation will be the litmus test for this balance and developers, landholders, environmentalists and community groups and others will judge it accordingly. It is currently silent on environmental and social matters apart from the proposal in the yellow boxes in Section 3.

The Bill provides some legislative opportunities to incorporate natural asset planning through the following provisions:

- Section 3.1(a) & 3.4, 3.6 (a) ii, iii, and iv, (c), (e), (f) & (g) provides potential heads of power for the key targets set out in the South East Queensland Natural Resource Management Plan.
- Section 3.3(b) & (c), Sec. 7.2(b) Section 13 provides potential heads of power for regional planning which can incorporate a NRM Plan.
- Section 15 contains the potential heads of power for local planning instruments to incorporate outcomes of the SEQ NRM Plan and Section 16 gives a potential head of power to make rules which incorporate NRM Plan outcomes.

We could comment on the detailed provisions in the Bill and outline its many deficiencies, we will instead focus on some of the positive aspects; some of the matters which should be considered in order to have a planning system for our future economic prosperity and wellbeing; as well as some suggestions for the Government to consider to ensure Queensland does move toward better practice planning over time.

#### **THE GOOD:**

- The purpose, and its achievement and suggestions for advancing the Act's purpose in the boxes are positive and supported (Section 3.6 (a-g))
- The planning system elements which are created (continued) by the Bill are supported

- The planning instruments (continued) created by the Bill are supported
- Splitting the old Sustainable Planning Act into the component parts and their associated major processes makes sense
- The desire to simplify the implementation and processes is very much supported and the efficiency aims are positive

#### THE NOT SO GOOD:

- The Bill devotes very little to establishing the planning system and elements, and concentrates on the development approval system
- The Bill contains little to no guidance on processes and detail to achieve the purposes of the act.
- The Bill makes it clear that the default for every parcel of land in Queensland under the development approval system is “development will be approved unless.....” which relies on the competence of the individual decision-makers in SARA and in local governments
- The Bill contains exemptions and discretions throughout the development approvals system which indicates any and all elements in the planning system are discretionary, leading to uncertainty and increased chances of partisan decision-making
- The Bill in effect, seems to facilitate applicants to get an approval to ensure the application does not need to be assessed (by pushing to receive the “Accepted Development” category)
- The Act has been substantially shortened, mainly because the bulk of the framework has been moved to the regulations or other instruments and rules. It is concerning that much of the crucial components of the planning system will remain at Cabinet level or lower rather than at Parliament level. This may erode community trust in the planning system
- The success of the development approvals system along with all the discretions and exceptions contained in the Bill depends on the competence (and motives) of the SARA unit and local government decision-makers
- Putting compensation provisions favouring one sector over another into a planning statute provides a very dangerous and completely unwarranted precedent. Common law provides remedies and suitable processes. Creating compensation for one sector over all others is very concerning.

#### SUGGESTIONS:

- Remove the many exemption clauses to get some certainty and transparency – the planning system elements should contain all that is needed to sort out special circumstances if needed. Also, the State has many other legislative instruments to cut holes in the planning system when and where it is needed
- Bolster the elements, importance and detail to clearly establish the role of regional planning within the planning system
- Give SARA a process (and technical) backup through allowing advice/referral agency involvement early in application process. Experience of SARA decision-making in the past two years indicates uneven decision-making according to some of the advice agencies

- Make the application of the “Prohibited” category clear in the Act and be ruthless in policing it. If the planning system is to continue to default to approval of development unless it is assessed, then ensuring the natural assets are managed and organised for economic, social and environmental outcomes is the first and foremost objective of the planning system (as opposed to a development approval system).
- Make the hierarchy of instruments clear within the planning system
- Get rid of the compensation provisions – a planning statute should be about community needs and aspirations and not be fettered with common law provisions which favour one sector of the community in statute.

## Conclusion

As we have said, we believe this Bill does not represent best practice planning and is really a Bill designed to make development approvals happen quickly and efficiently – a worthy aim as long as the rest of the planning system is properly established. While it has too many shortcomings to list without writing a tome, SEQ Catchments also appreciates the circumstances surrounding the development, and approval path for this Bill in the current Parliament. We have therefore focussed on a high level commentary and have suggested some elements which we believe must be addressed to receive any backing from our community overall.

We believe most of the shortcomings of the Bill can be rectified using a well-constructed regional planning framework and process as long as the Bill makes strong provisions for this level of planning. We emphasise that the *Regional Planning Interests Act 2014* does not and will not deliver strong regional planning and experience from many sectors involved in the use of this Act can offer many examples which demonstrate the inadequacies of this Act.

We do know enough to deliver growth and still have jobs and a strong economy while ensuring the State’s natural assets remain in good condition for future generations. The real challenge for the State Government and the planning system is dealing with inappropriate land speculation and the associated issues and processes created by this relatively small section of the development community.

SEQ Catchments thanks the Government for the opportunity to provide comment on the Bill and looks forward to assisting the State Government with its implementation at the regional and practical level should the opportunity arise.

Yours sincerely

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A/Chief Executive Officer.